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**FILED**  
DISTRICT COURT OF GUAM

NOV 13 2007 *nba*

**JEANNE G. QUINATA**  
Clerk of Court

4 Attorneys for Plaintiff-Intervenors,

*Jennifer Holbrook, Rosemarie*

5 *Taimanglo and Vivienne Villanueva*

6  
7 IN THE DISTRICT COURT OF GUAM

8  
9 U.S. EQUAL EMPLOYMENT )  
10 OPPORTUNITY COMMISSION, )

11 Plaintiff, )

12 vs. )

13 LEO PALACE RESORT, )

14 Defendant. )

15 JENNIFER HOLBROOK, )  
16 VIVIENE VILLANUEVA and )  
ROSEMARIE TAIMANGLO, )

17 Plaintiff-Intervenors, )

18 vs. )

19 MDI GUAM CORPORATION dba LEO )  
20 PALACE RESORT MANENGGON HILLS )  
and DOES 1 through 10, )

21 Defendant. )

CIVIL CASE NO. 06-00028

**PLAINTIFF-INTERVENORS'  
REQUEST FOR SETTLEMENT  
CONFERENCE UNDER LOCAL  
RULE 16.6 AND MEMORANDUM  
OF POINTS AND AUTHORITIES**

**[No Oral Argument Requested]**

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**ORIGINAL**

1 NOW COMES Plaintiff-Intervenors, JENNIFER HOLBROOK, VIVIENE VILLANUEVA  
2 and ROSEMARIE TAIMANGLO, by and through their counsel of record, Teker Torres & Teker,  
3 P.C., and requests the Court to order a Settlement Conference in the above-captioned and titled case.

4 **I. COURT'S INHERENT POWERS.**

5 The District Courts have substantial inherent powers to manage and control their calendars.  
6 *See Link*, U.S. 630-31; *see generally Brockton Sav. Bank v. Peat Marwick, Mitchell & Co.*, 771  
7 F.2d. 5, 11 (1<sup>st</sup> Cir. 1985) (explaining that "the Rules of Civil Procedure do not completely describe  
8 and limit the power of District Courts"). This inherent power takes many forms. *See* Federal Rules  
9 of Civil Procedure ("FRCP") 83(b) (providing that judges may regulate practice in any manner  
10 consistent with federal law and applicable rules.) By way of illustration and not limitation, a District  
11 Court may use its inherent power to compel represented clients to attend pre-trial settlement  
12 conferences, even though such a practice is not specifically authorized in the Civil Rules. *See*  
13 *Heileman Brewing Co. v. Joseph Oat Corp.*, 871 F.2d. 648, 650 (7<sup>th</sup> Cir. 1989) (*en banc*).

14 **II. LOCAL RULE 16.6.**

15 Local Rule 16.6 provides that:

16 Any time after an action or proceeding has been filed, any party may file a request for  
17 a settlement conference. Such conferences may be held before a neutral judge, or  
18 before the assigned judge. If the conference held before the judge trying the case, a  
19 written stipulation of all counsel shall be necessary prior to the settlement conference.  
20 Each party attending such conference shall be represented by counsel authorized to  
21 participate in settlement negotiations. The Court may require, by order issued prior  
22 to the settlement conference, the client or its authorized representative to personally  
23 attend the conference.

21 Accordingly, the Court has the authority under Local Rule 16.6 to order the parties in this  
22 case to enter into a settlement conference at Plaintiff-Intervenors' request before a neutral or  
23 assigned judge. The parties, through counsels, have engaged in settlement negotiations but have not

1 been successful in resolving all differences. A settlement conference presided over by a judge could  
2 successfully resolve this case and save future Court resources, however, the conference must  
3 commence in good faith and the parties should be required to attend and be authorized and prepared  
4 to negotiate a number below what Plaintiff and Plaintiff-Intervenors have offered and above what  
5 Defendant has offered.

6 Plaintiff-Intervenors request that the settlement conference be ordered for Friday, November  
7 16, 2007 and that it be conducted by the Magistrate Judge instead of the assigned. A conference held  
8 on the 16<sup>th</sup>, if unsuccessful, provides the parties with sufficient time to file the required pleadings  
9 due on November 20, 2007 without prejudicing either party in its preparation for the December 4  
10 Trial.

### 11 **III. CONCLUSION.**

12 Understanding that the Court has the inherent power to order non-binding mediation and  
13 authority through Local Rule 16.6 to order and require attendance of parties to litigation in a  
14 settlement conference, the Plaintiffs request that the Court issue an order requiring the parties to  
15 attend a settlement conference before the Honorable Judge Manibusan. This exercise of the Court's  
16 inherent power would clearly be suited to the enhancement of the Court's processes, including the  
17 orderly and expeditious disposition of this case. In addition, the exercise of this inherent power  
18 would not contradict with any applicable statute or rule and, in fact, would be in line with the  
19 direction of Local Rule 16.6.

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1 Therefore, Plaintiffs request the Court issue an order requiring the parties to attend a  
2 Settlement Conference before the Honorable Judge Manibusan with additional settlement authority  
3 to negotiate in good faith.

4 *Respectfully submitted* this 8<sup>th</sup> day of November, 2007.

5 **TEKER, TORRES & TEKER, P.C.**

6  
7 By:   
8 **PHILLIP TORRES, ESQ.**

9 Attorneys for Plaintiff-Intervenors,  
10 *Jennifer Holbrook, Rosemarie*  
11 *Taimanglo and Vivienne Villanueva*

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